

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:) Case No. 09-27807-MBM
) Chapter 11
MAX & ERMA'S RESTAURANTS, INC.,)
) Judge M. Bruce McCullough
Debtor.)
)

ORDER APPOINTING A CHAPTER 11 TRUSTEE

Upon consideration of the Joint Motion of the Committee of Unsecured Creditors and PNC Bank, National Association for the Appointment of a Chapter 11 Trustee or in the Alternative Termination of the Exclusive Period to File a Chapter 11 Plan (the "Motion")¹, together with any responses thereto, and evidence of record including that presented at the hearing on the Motion, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. The Motion is granted.
2. The Court authorizes and directs the appointment of a chapter 11 trustee in the above-captioned bankruptcy case, pursuant to 11 U.S.C. § 1104(a).
3. The United States Trustee shall select a chapter 11 trustee within _____ days, in consultation with the Committee and the Agent.
Dh DMR w/o rej.
M. BRUCE McCULLOUGH
M. BRUCE McCULLOUGH
UNITED STATES BANKRUPTCY JUDGE

Dated: January 15, 2010

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¹ Capitalized terms not defined herein shall have the meaning ascribed to them in the Motion.

JAN 15 2010

CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA